

**ASSEMBLY BILL**

**No. 2682**

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**Introduced by Committee on Agriculture**

March 8, 2012

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An act to amend Sections 61933 and 77191 of the Food and Agricultural Code, relating to agriculture.

LEGISLATIVE COUNSEL'S DIGEST

AB 2682, as introduced, Committee on Agriculture. Agriculture.

(1) Existing law empowers the Secretary of Food and Agriculture to formulate a stabilization and marketing plan which includes, among other things, establishing the price to be paid by milk handlers for various classes of market milk. Class 2 market milk consists of, among other milk products, any market milk, market skim milk, or market cream used in the manufacture of market cream, homogenized market cream, sour cream, sour cream dressing, sour half-and-half or light sour cream, uncreamed, creamed, or partially creamed cottage cheese, soft fresh cheese (fromage frais), buttermilk, and yogurt. A violation of any provision regarding the stabilization and marketing of market milk, or any provision of any stabilization and marketing plan, is a misdemeanor.

This bill would add kefir to those products that are class 2 market milk. Because this bill would expand the scope of a crime, it would create a state-mandated local program.

(2) Existing law establishes the California Walnut Commission, and requires that the commission become inoperative at the end of any marketing year in which targeted export assistance funds provided by the federal government have been permanently terminated, unless a referendum vote conducted among walnut producers approves the continuation of the commission. Existing law provides that funds are

considered to be permanently terminated when the federal government does not provide targeted export assistance funds in 2 consecutive budget years.

This bill would change when funds are considered to be permanently terminated to when the federal government does not provide targeted export assistance funds in 3 consecutive budget years.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 61933 of the Food and Agricultural Code  
2 is amended to read:

3 61933. Class 2 comprises any market milk, market skim milk,  
4 or market cream used in the manufacture of market cream,  
5 homogenized market cream, sour cream, sour cream dressing, sour  
6 half-and-half or light sour cream, uncreamed, creamed, or partially  
7 creamed cottage cheese, soft fresh cheese (fromage frais),  
8 buttermilk, *kefir*, and yogurt. Class 2 also comprises any market  
9 milk, market skim milk, or market cream used in the manufacture  
10 of any product for which a definition and standard is prescribed  
11 in Division 15 (commencing with Section 32501), except any  
12 product that is included in class 1, class 3, class 4a, or class 4b.

13 SEC. 2. Section 77191 of the Food and Agricultural Code is  
14 amended to read:

15 77191. This chapter shall become inoperative at the end of any  
16 marketing year in which targeted export assistance funds provided  
17 by the federal government have been permanently terminated,  
18 ~~unless a referendum vote conducted among producers, pursuant~~  
19 ~~to the procedures described in Section 77193—approves, the~~  
20 *producers approve* the continuation of the commission. Funds are  
21 permanently terminated within the meaning of the previous  
22 sentence when the federal government does not provide targeted  
23 export assistance funds in ~~two~~ three consecutive budget years.

1     SEC. 3. No reimbursement is required by this act pursuant to  
2     Section 6 of Article XIII B of the California Constitution because  
3     the only costs that may be incurred by a local agency or school  
4     district will be incurred because this act creates a new crime or  
5     infraction, eliminates a crime or infraction, or changes the penalty  
6     for a crime or infraction, within the meaning of Section 17556 of  
7     the Government Code, or changes the definition of a crime within  
8     the meaning of Section 6 of Article XIII B of the California  
9     Constitution.

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